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ATTORNEY DOCKET No.: 2003946-0057 (HEAT/CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kowalczyk, *et al.* Examiner: Not yet assigned  
Serial No.: 10/667,864 Art Unit: 1646  
Filing Date: September 22, 2003  
Title: HEMIASTERLIN DERIVATIVES AND USES THEREOF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

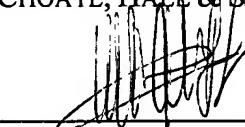
TRANSMITTAL

Enclosed for filing in the above-referenced nonprovisional patent application, please find the following documents:

1. Executed Statement Establishing Right of Assignee to Take Action Under 37 CFR § 3.73(b) (2 pp.);
2. Executed Appointment of Attorney (1 pg.);
3. Statement Filed Pursuant To The Duty Of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98 (Supplemental) (6 pp.);
4. Supplemental Form PTO-1449 (1 pg.);
5. Cited Art (3 references); and
6. Return-Receipt Postcard.

Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,  
CHOATE, HALL & STEWART

  
Nadège M. Lagneau, Ph.D.  
Reg. No. 51,908

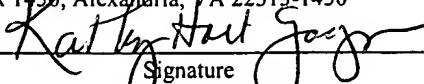
Date: November 15 2004

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**Certificate of Mailing**

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November 15, 2004  
Date

  
Signature  
Kathy Hart Gagnon

Typed or Printed Name of person signing certificate



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Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

An *original* Information Disclosure Statement; or  
 A *supplemental* Information Disclosure Statement.

<b>Certificate of Mailing</b>	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<u>November 15, 2004</u>	<u>Kathy Hart Gagnon</u>
Date	Signature
Kathy Hart Gagnon	
Typed or Printed Name of person signing certificate	

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

Pursuant to 37 CFR § 1.97(b); no fee or certification is required:

Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

Before the mailing of a first Office action on the merits; or

Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:

Certifies that *either*:

Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

[ ] That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or

[ ] Includes herewith the fee set forth in § 1.17(p).

[ ] Pursuant to 37 CFR § 1.97(d), after the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

[ ] Certifies that *either*:

[ ] Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

[ ] That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; and

[ ] Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

[X] A copy of each cited reference not indicated with a † is included;

[ ] Copies of references indicated with a † on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

[ ] Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- Does not contain non-English language citations;
- Includes one or more translations of a non-English citation; or
- Does contain non-English language citations, of which the following is a

concise explanation:

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and

3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Dated: November /s, 2004

Respectfully submitted,  
CHOATE, HALL & STEWART



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Nadège M. Lagneau, Ph.D.  
Reg. No.: 51,908

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<b>FORM PTO-1349</b> (REV. 8-83) <b>SUPPLEMENTAL</b> <b>INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 2003946-0057 In Re Application No.: 10/667,864 Applicant: Kowalczyk, et al. Filing Date: September 22, 2003 Group: 1646	
<b>U.S. PATENT DOCUMENTS</b>					
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
<b>U.S. PATENT APPLICATIONS</b>					
Examiner's Initials	Serial Number:	Applicant:	Publication Date:	Group:	Art Unit:
<b>FOREIGN PATENT DOCUMENTS</b>					
Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	WO 99/31122 Corrected Version	PCT	24 June 1999		
<b>OTHER DOCUMENTS</b>					
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)				
	DATABASE CAPLUS [online]; Chemical Abstracts Service, Columbus, Ohio, US; XP002249343; Database accession no. 125:33694 (DN); RN 177553-75-2.				
	Copy of International Search Report for related application No. PCT/US03/08888.				
	<b>DATE CONSIDERED</b>				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					